



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Confirmation No.: 2437

Andrea TROMBI

Art Unit: 3743

Application No.: 10/512,072

Examiner: Shumaya B. ALI

Filed: November 4, 2004

Attorney Dkt. No.: 024931-00026

For: APPARATUS FOR NEBULISING A LIQUID, IN PARTICULAR FOR  
AEROSOL THERAPY

SUBMISSION OF TERMINAL DISCLAIMER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

July 21, 2006

Sir:

Submitted herewith for filing in the above-identified application, is a Terminal  
Disclaimer.

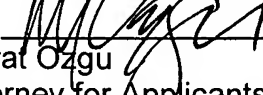
Included in the attached check is the amount of Sixty Five Dollars (\$65.00) to cover  
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fees are due with respect to the filing of this paper, please charge Deposit Account Number  
01-2300, referencing Docket No. 024931-00026.

Respectfully submitted,

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Enclosure: Terminal Disclaimer  
TECH/433558.1



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**TERMINAL DISCLAIMER UNDER 37 CFR**

**1.321(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Petitioner, **MEDEL S.p.A.**, having its place of business—

at Via Micheli, 7-Fraz, San

Polo 43056 Torrile (Parma), Italy, represents that it is the assignee and owner of all right,

title and interest in and to U. S. Patent Application Serial No. [REDACTED] **07512,072**, filed November

4, 2004, for APPARATUS FOR NEBULISING A LIQUID, IN PARTICULAR FOR AEROSOL

THERAPY, the assignment for the application being recorded in the Patent and Trademark

Office on November 4, 2004 at Reel 016469, Frame 0354. Petitioner is also the assignee

of all right, title, and interest in and to U. S. Patent Publication No. **2005/0145243 A1**, filed

October 19, 2004, for NEBULISER, the assignment for this application being recorded in

the Patent and Trademark Office on October 19, 2004 at Reel 016505, Frame 0939.

TECH/430890.1

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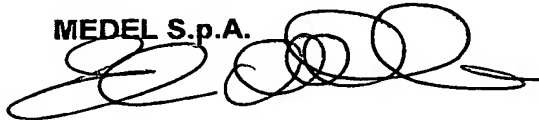
Petitioner hereby disclaims the terminal part, if any, of any patent granted on application Serial No. **10/512,072**, which would extend beyond the expiration date of any patent granted on application Serial No. **2005/0145243 A1** when issued, and hereby agrees that any patent so granted on application Serial No. **10/512,072** shall be enforceable only during such period that the legal title to such patent shall be the same as the legal title to any patent granted on application Serial No. **2005/0145243 A1**, this agreement to run with any patent granted on application Serial No. **10/512,072**, and to be binding on its grantee, its successors, or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any patent granted on application Serial No. **2005/0145243 A1** in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned on behalf of petitioner, **MEDEL S.p.A.**, hereby states and declares that I have the authority to execute this Terminal Disclaimer on behalf of the petitioner.

Respectfully submitted,

**MEDEL S.p.A.**

A handwritten signature in black ink, appearing to read 'ERILDO ATTOLINI', written over a horizontal line.

By: ERILDO ATTOLINI

Title: CHIEF EXECUTIVE OFFICER

Date: 17 JULY 2006